IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 4569 OF 2006

Shaivaj @ Shawaz Mohd. Javed Shahabajkar. .. Applicant.

V/s.

The State of Maharashtra. .. Respondent.

Shri Ganesh Gole with Shri S.W. Mukri for the applicant.

Shri S.S. Pednekar for the respondent.

CORAM: S.C.DHARMADHIKARI, J.

DATED: 21.12.2006.

P.C.:

. The Additional Sessions Judge at Alibag rejected the application of the applicant for anticipatory bail on 15th December 2006 and apprehending arrest he has moved this application for anticipatory bail.

2. This matter was mentioned by Shri Gole and with the consent of the learned A.P.P. for the State, the same is taken up for hearing forthwith.

3. From the perusal of the order passed by the learned Additional Sessions Judge it is apparent that the applicant was unseccessful in getting anticipatory bail from the Additional

Sessions Judge and he had approached this Court and, thereafter he was not traceable. In such circumstances, the application for anticipatory bail has been rightly rejected. In my view, cogent and satisfactory reasons are assigned by the Additional Sessions Judge for rejecting the application. A third round is made which is not permitted in the facts and circumstances of the case. However, Shri Gole states that the applicant was not absconding but very much available. Considering that the applicant desires to apply for bail before regular Court, interest of justice would be subserved if it is directed that the applicant shall not be arrested for a period of one week from today to enable him to take appropriate proceeding. Accordingly, applicant not to be arrested for a period of one week from today.

4. Application is dismissed with liberty as above.

(S.C.DHARMADHIKARI, J.)